



# NORTH CAROLINA OFFICE OF STATE PERSONNEL



SUPPORT

Support : HR Professionals : Employment of Foreign Nationals

## FAQs – Temporary, Non-Immigrant Visa

### TN Visa for Canadian and Mexican Professionals

TN is a temporary, nonimmigrant status available on a yearly basis for Canadian or Mexican citizens only. TN visa holders may renew for additional one year periods without limitation. However, the holder of a TN visa may not intend to immigrate into the United States. Therefore the USCIS may question a TN visa holder who has obtained a number of successive extensions regarding his or her intent.

TN status is employer specific and must be for specific qualifying professionals as listed by USCIS.

Canadian citizens are not issued visa stamps and are admitted to the United States in TN status when they present appropriate documentation to immigration inspectors at the point of entry. Their TN status is then noted on Form I-94. At the port of entry a Canadian must provide proof of the requisite educational credentials, a letter of offer from a U.S. employer, and proof of Canadian citizenship.

In order for Mexicans to apply for TN status the employer must send documentation to the Department of Labor and the CIS for approval in advance. Mexican citizens must then obtain TN visa stamps before being admitted to the United States with the TN notation on Form I-94.

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### Who is eligible to be classified as a TN visa holder?

Citizens of Canada or Mexico who seek temporary entry to engage in business activities at a professional level are eligible for TN visas. The types of positions for which a TN visa may be approved can be found at [8 CFR 214.6 Appendix 1603.D.1.](#)

### **What type of documentation is required for a person applying for a TN visa?**

Upon application for a visa at a United States consular offices, or if a Canadian is making application at a U.S. port of entry, an applicant shall present the following:

1. Proof of citizenship- A Mexican citizen applying for admission as a TN nonimmigrant must establish such citizenship by presenting a valid passport. Canadian citizens, while not required to present a valid passport for admission unless traveling from outside the Western Hemisphere, must establish Canadian citizenship.
2. Documentation demonstrating engagement in business activities at a professional level and demonstrating professional qualifications- The applicant must present documentation sufficient to satisfy the officer that the applicant is seeking entry to the United States to engage in business activities for a United States employer or entity at a professional level, and that the applicant meets the criteria to perform at such a professional level.

### **What types of documentation can an applicant use to prove that he or she meets the criteria to perform at a professional level?**

The documentation may be in the form of a letter from the prospective employer, and must be supported by diplomas, degrees or membership in a professional organization. Degrees received by the applicant from an educational institution not located within Canada, Mexico or the United States must be accompanied by an evaluation by a reliable credential evaluator.

### **What must a credential evaluation state?**

The evaluation must state the following:

- The appendix 1603.D.1 profession of the applicant.
- A description of the professional activities, including a brief summary of daily job duties, if appropriate, in which the applicant will engage for the United States employer.
- The anticipated length of stay
- The arrangements for remuneration for services to be rendered

### **What is a person given when he or she is admitted to the United States on a TN visa?**

A citizen of Canada or Mexico who qualifies for admission shall be provided with an I-94 card, which will bear the legend "multiple entry".

### **May a TN visa holder extend his or her stay in the United States?**

Yes. If the employee is still in the United States, that person may file for an extension of his or her visa on form I-129, and must remit the prescribed fee. If approved, an extension of stay may be authorized for up to one year.

### **Is there a limit on the amount of time a person may spend in TN status?**

No, there is no specific time limit on the total period an alien may remain in TN status.

### **If a TN visa has expired, can a Canadian national apply again at the border?**

Yes, but the application must be supported by a new letter from the United States employer.

**May a TN visa holder change employers?**

A citizen of Canada or Mexico admitted into the United States as a TN nonimmigrant who seeks to change or add a United States employer during the period of admission must have the new employer file a Form I-129 with appropriate supporting documentation, including a letter from the new employer describing the services to be performed, the time needed to render the services and the terms of remuneration for services. Employment with a different or additional employer is not authorized prior to Department approval or the request.

**If an employee is transferred to a different office or location for the same employer, does the employee have to file any new applications?**

No action is required on the part of a citizen of Canada or Mexico who is transferred to another location by the same United States employer to perform the same services. An example of such an acceptable transfer would be to a branch or office of the employer.

**May the spouse or dependent child of a TN visa holder accept employment?**

No, they may not accept employment in the United States unless they are otherwise authorized by the Immigration Service.